



Reprinted
January 28, 2000

HOUSE BILL No. 1051

DIGEST OF HB 1051 (Updated January 27, 2000 2:26 PM - DI 96)

Citations Affected: IC 9-14; IC 9-24; IC 9-30; IC 14-15; IC 31-37.

Synopsis: Motor vehicle matters and juveniles. Specifies that a juvenile court must recommend the immediate suspension of a child's driving privileges if the child is alleged to have committed an act that would be an offense under the law concerning operating a vehicle while intoxicated if committed by an adult. Specifies that a juvenile court must, in addition to any other order or decree the court makes, recommend the suspension of a child's driving privileges if the child is a delinquent child due to the commission of a delinquent act that, if committed by an adult, would be an offense under the law concerning operating a vehicle while intoxicated. Provides procedures for reinstatement of the driver's license. Incorporates various provisions currently applicable to an adult whose license is suspended under IC 9-30-5 to a child whose license is suspended under the juvenile law. Reinstates and relocates in a new chapter in the Indiana Code penalty provisions for operating a motor vehicle with suspended or revoked driving privileges, licenses, or permits. Requires a court to specify: (1) the length of a fixed period of suspension; and (2) the date the fixed period of suspension begins when the court makes a recommendation that a person's driving privileges be suspended for operating a motor vehicle while the person's driving privileges, license, or permit is suspended or revoked. Requires the bureau of motor vehicles to protect the confidentiality of certain information regarding a person's motor

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Effective: July 1, 2000.

Thompson, Kuzman, Dillon, Crooks

November 23, 1999, read first time and referred to Committee on Courts and Criminal Code.

January 24, 2000, amended, reported — Do Pass.

January 27, 2000, read second time, amended, ordered engrossed.

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vehicle record, but specifies that this shall not affect the use of anatomical gift information on a person's driver's license or state identification card. Specifies that during the 90 day period following the issuance of a probationary driver's license, the probationary driver may not operate a motor vehicle in which there are passengers, unless the passenger is the driver's sibling over the age of 15, unless another individual, at least 21 years of age and holding a valid operator's license, is present in the front seat of the vehicle.

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Reprinted
January 28, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1051

A BILL FOR AN ACT TO amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-14-3.5-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. As used in this
3 chapter, "motor vehicle record" means a record that pertains to:

- 4 (1) ~~an operator's~~ **a driver's** license;
- 5 (2) a permit;
- 6 (3) a motor vehicle registration;
- 7 (4) a motor vehicle title; or
- 8 (5) an identification document issued by the bureau.

9 SECTION 2. IC 9-14-3.5-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. As used in this
11 chapter, "personal information" means information that identifies a
12 person, including an individual's:

- 13 (1) photograph or computerized image;
- 14 (2) Social Security number;
- 15 (3) driver's license **or** identification **document** number;
- 16 (4) name;
- 17 (5) address (but not the 5-digit zip code);

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(6) telephone number; or

(7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and operator's license or registration status.

SECTION 3. IC 9-14-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. Except as provided in sections 8, ~~through 10~~, and 11 of this chapter;

(1) **an officer or employee of the bureau;**

(2) **an officer or employee of the bureau of motor vehicles commission;** or

(3) **an officer, an employee, or a contractor of the bureau or the bureau of motor vehicles commission;**

may not knowingly disclose personal information about a person obtained by the bureau in connection with a motor vehicle record.

SECTION 4. IC 9-14-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The bureau may disclose personal information to a person if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with matters concerning:

(A) motor vehicle or driver safety and theft;

(B) motor vehicle emissions;

(C) motor vehicle product alterations, recalls, or advisories;

(D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;

(E) motor vehicle market research activities, including survey research; and

(F) the removal of nonowner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for

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purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2710 et seq.).

(10) For use in connection with the operation of private toll transportation facilities.

(11) For ~~distribution of automotive-related surveys; marketing; or solicitations after the bureau has implemented methods and procedures to ensure that:~~

~~(A) a person who is the subject of personal information requested is provided an opportunity, in a clear and conspicuous manner, to prohibit the uses;~~

~~(B) the information will be used; rented; or sold only for bulk distribution for automotive-related surveys; marketing; and solicitations; and~~

~~(C) the automotive-related surveys; marketing; and solicitations will not be directed at those individuals who have requested in a timely fashion that such material not be directed at them; any use in response to requests for individual motor vehicle records when the bureau has obtained the~~



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1 written consent of the person to whom such personal
2 information pertains.

3 (12) For bulk distribution for surveys, marketing, or
4 solicitations when the bureau has obtained the written consent
5 of the person to whom such personal information pertains.

6 (13) For use by any person, when the person demonstrates, in
7 a form and manner prescribed by the bureau, that written
8 consent has been obtained from the individual who is the
9 subject of the information.

10 (14) For any other use specifically authorized by law that is
11 related to the operation of a motor vehicle or public safety.

12 **However, this section shall not affect the use of anatomical gift**
13 **information on a person's driver's license or identification**
14 **document issued by the bureau, nor affect the administration of**
15 **anatomical gift initiatives in the state.**

16 SECTION 5. IC 9-14-3.5-11, AS AMENDED BY P.L.222-1999,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2000]: Sec. 11. (a) Personal information that is contained in
19 an individual record may be disclosed to a person, without regard to
20 intended use, if the bureau has provided in a clear and conspicuous
21 manner on forms for issuance or renewal of operator's licenses;
22 registrations, titles, or identification documents:

23 (1) notice that personal information collected by the bureau may
24 be disclosed to any person making a request for an individual
25 record; and

26 (2) an opportunity for each person who is the subject of a record
27 to prohibit the disclosure.

28 (b) The bureau shall disclose the name and address of a purchaser
29 of a special group recognition license plate issued under
30 IC 9-18-25-2(3) supporting a state educational institution (as defined
31 in IC 20-12-0.5-1) to a representative designated and authorized to
32 receive the personal information by the state educational institution, if
33 the purchaser purchased the plate **bureau obtained the written**
34 **consent of the purchaser regarding the disclosure and the plate was**
35 **purchased** in a year:

36 (1) beginning after December 31, 1998; and

37 (2) in which at least ten thousand (10,000) of the special group's
38 recognition license plates issued under IC 9-18-25-2(3) are sold
39 or renewed.

40 SECTION 6. IC 9-14-3.5-13 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. (a) An authorized
42 recipient of personal information, except a recipient under section

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10(11), **10(12)**, or 11 of this chapter, may resell or re-disclose the information for any use allowed under section 10 of this chapter, except for a use under section 10(11) **or 10(12)** of this chapter.

(b) An authorized recipient of a record under section ~~10(11)~~ **10(11)** of this chapter may resell or re-disclose personal information for any purpose.

(c) An authorized recipient of personal information under IC 9-14-3-6 and section ~~10(11)~~ **10(12)** of this chapter may resell or re-disclose the personal information for use only in accordance with section ~~10(11)~~ **10(12)** of this chapter.

(d) Except for a recipient under section ~~10(11)~~ **10(11)** of this chapter, a recipient who resells or re-discloses personal information is required to maintain and make available for inspection to the bureau, upon request, for at least five (5) years, records concerning:

(1) each person that receives the information; and

(2) the permitted use for which the information was obtained.

SECTION 7. IC 9-24-11-3, AS AMENDED BY P.L.225-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3-1, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers, **unless the passenger is the individual's sibling over the age of fifteen (15)**, unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:



- (1) is valid for not more than four (4) years from the date the license is issued; and
 (2) may not be renewed.

SECTION 8. IC 9-24-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 19. Penalty Provisions for Operating a Motor Vehicle With Suspended or Revoked Driving Privileges, Licenses, or Permits

Sec. 1. Except as provided in sections 2, 3, and 5 of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction.

Sec. 2. A person who knowingly or intentionally operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked, when less than ten (10) years have elapsed between:

- (1) the date a judgment was entered against the person for a prior unrelated violation of section 1 of this chapter, this section, IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(a) (repealed July 1, 2000); and
 (2) the date the violation described in subdivision (1) was committed;

commits a Class A misdemeanor.

Sec. 3. A person who knowingly or intentionally operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19) commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, and except as provided in section 4 of this chapter, a person who violates this section shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, and except as provided in section 4 of this chapter, the court may not suspend any part of the term of imprisonment except that part in excess of sixty (60) days.

Sec. 4. The nonsuspendible fixed term of imprisonment imposed under section 3 of this chapter does not apply to a person who has committed a Class A misdemeanor under section 2 of this chapter as a result of a violation of IC 9-25-6-19 or IC 12-17-2-35.

Sec. 5. A person who knowingly or intentionally operates a motor vehicle upon a highway while the person's driving privilege,



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license, or permit is suspended or revoked as a result of a misdemeanor or felony conviction commits a Class D felony. However, the offense is a Class C felony if the operation results in the death of another person.

Sec. 6. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(b) The court shall specify:

(1) the length of the fixed period of suspension; and

(2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a).

Sec. 7. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 6 of this chapter.

Sec. 8. In a prosecution under this chapter, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was valid at the time of the alleged offense.

SECTION 9. IC 9-30-10-4, AS AMENDED BY P.L.1-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, operation of a vehicle with an alcohol



concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(b) (**repealed July 1, 2000**), **IC 9-24-19-3, or IC 9-24-19-5.**

(5) Operating a motor vehicle without ever having obtained a license to do so.

(6) Reckless driving.

(7) Criminal recklessness involving the operation of a motor vehicle.

(8) Drag racing or engaging in a speed contest in violation of law.

(9) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(10) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, not arising out of the same



incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

SECTION 10. IC 14-15-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), ~~or IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19~~ and the date the violation described in subdivision (1) was committed; the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19); the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time



1 of the alleged offense, the defendant held a valid Indiana driver's
2 license.

3 SECTION 11. IC 31-37-5-7 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2000]: **Sec. 7. (a) If a child is alleged to have committed an act**
6 **that would be an offense under IC 9-30-5 if committed by an adult,**
7 **a juvenile court shall recommend the immediate suspension of the**
8 **child's driving privileges as provided in IC 9-30-5. If a court**
9 **recommends suspension of a child's driving privileges under this**
10 **section, the bureau of motor vehicles shall comply with the**
11 **recommendation of suspension as provided in IC 9-30-6-12.**

12 **(b) If a court recommends suspension of a child's driving**
13 **privileges under this section, the court may order the bureau of**
14 **motor vehicles to reinstate the child's driving privileges as**
15 **provided in IC 9-30-6-11.**

16 **(c) If a juvenile court orders the bureau of motor vehicles to**
17 **reinstate a child's driving privileges under subsection (b), the**
18 **bureau shall comply with the order. Unless the order for**
19 **reinstatement is issued as provided under IC 9-30-6-11(a)(2)**
20 **because of a violation of the speedy trial provisions applicable to**
21 **the juvenile court, the bureau shall also do the following:**

22 **(1) Remove any record of the suspension from the bureau's**
23 **recordkeeping system.**

24 **(2) Reinstate the privileges without cost to the person.**

25 **(d) If a juvenile court orders a suspension under this section and**
26 **the child did not refuse to submit to a chemical test offered under**
27 **IC 9-30-6-2 during the investigation of the delinquent act that**
28 **would have been an offense under IC 9-30-5 if committed by an**
29 **adult, the juvenile court may grant the child probationary driving**
30 **privileges for one hundred eighty (180) days in conformity with the**
31 **procedures in IC 9-30-5-12. The standards and procedures in**
32 **IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this**
33 **subsection.**

34 **(e) If a proceeding described in this section is terminated in**
35 **favor of the child and the child did not refuse to submit to a**
36 **chemical test offered as provided under IC 9-30-6-2 during the**
37 **investigation of the delinquent act that would be an offense under**
38 **IC 9-30-5 if committed by an adult, the bureau shall remove any**
39 **record of the suspension, including the reasons for the suspension,**
40 **from the child's official driving record.**

41 **(f) The bureau of motor vehicles may adopt rules under**
42 **IC 4-22-2 to carry out this section.**



SECTION 12. IC 31-37-19-17.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 17.3. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under IC 9-30-5.**

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, recommend the suspension of the child's driving privileges as provided in IC 9-30-5. If a court recommends suspension of a child's driving privileges under this section, the bureau of motor vehicles shall comply with the recommendation of suspension as provided in IC 9-30-6-12.

(c) If a court recommends suspension of a child's driving privileges under this section, the court may order the bureau of motor vehicles to reinstate the child's driving privileges as provided in IC 9-30-6-11.

(d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

(1) Remove any record of the suspension from the bureau's recordkeeping system.

(2) Reinstate the privileges without cost to the person.

(e) If:

(1) a juvenile court recommends suspension of a child's driving privileges under this section; and

(2) the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the



1 procedures in IC 9-30-5-12. The standards and procedures in
 2 IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this
 3 subsection.

4 (g) A child whose driving privileges are suspended under this
 5 section is entitled to credit for any days during which the license
 6 was suspended under IC 31-37-5-7, if the child did not refuse to
 7 submit to a chemical test offered as provided under IC 9-30-6-2
 8 during the investigation of the delinquent act that would be an
 9 offense under IC 9-30-5 if committed by an adult.

10 (h) A period of suspension of driving privileges imposed under
 11 this section must be consecutive to any period of suspension
 12 imposed under IC 31-37-5-7. However, if the juvenile court finds
 13 in the sentencing order that it is in the best interest of society, the
 14 juvenile court may terminate all or any part of the remaining
 15 suspension under IC 31-37-5-7.

16 (i) The bureau of motor vehicles may adopt rules under
 17 IC 4-22-2 to carry out this section.

18 SECTION 13. IC 31-37-19-18 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. If the court orders
 20 invalidation or denial of issuance of a driver's license or permit as
 21 described in **IC 31-37-5-7** or section 4, 13, 14, 15, 16, ~~or~~ 17, **or 17.3**
 22 of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d),
 23 IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of
 24 IC 31-6-4-15.9):

25 (1) the bureau of motor vehicles shall comply with the order for
 26 invalidation or denial of issuance; and

27 (2) the child shall surrender to the court all driver's licenses or
 28 permits of the child and the court shall immediately forward the
 29 licenses or permits to the bureau of motor vehicles.

30 **If a juvenile court recommends suspension of driving privileges**
 31 **under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c),**
 32 **and IC 9-30-6-12(d) apply to the child's driving privileges.**

33 SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE
 34 JULY 1, 2000]: IC 9-14-3.5-9; IC 9-24-18-5.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1051, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT TO amend the Indiana Code concerning motor vehicles.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-14-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. ~~Personal information may be disclosed under section 10 of this chapter to a person who demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the person who is the subject of the information. The bureau may not knowingly disseminate a person's:~~

- (1) **driver's license photograph or computerized image;**
- (2) **Social Security number; or**
- (3) **medical or disability information;**

from a motor vehicle record (as defined in section 4 of this chapter) without the express consent of the person to whom such information pertains, except as provided under sections 8, 10, and 11 of this chapter. However, this section does not affect the use of anatomical gift information on a person's driver's license or the administration of anatomical initiatives in Indiana.

SECTION 2. IC 9-14-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The bureau may disclose personal information to a person if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.
- (2) For use in connection with matters concerning:
 - (A) motor vehicle or driver safety and theft;
 - (B) motor vehicle emissions;
 - (C) motor vehicle product alterations, recalls, or advisories;
 - (D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;

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- (E) motor vehicle market research activities, including survey research; and
- (F) the removal of nonowner records from the original owner records of motor vehicle manufacturers.
- (3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:
 - (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
 - (B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
- (4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.
- (5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.
- (6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.
- (7) For use in providing notice to the owners of towed or impounded vehicles.
- (8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.
- (9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2710 et seq.).
- (10) For use in connection with the operation of private toll transportation facilities.
- (11) For ~~distribution of automotive-related surveys, marketing, or solicitations after the bureau has implemented methods and procedures to ensure that:~~

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(A) a person who is the subject of personal information requested is provided an opportunity, in a clear and conspicuous manner, to prohibit the uses;

(B) the information will be used, rented, or sold only for bulk distribution for automotive-related surveys, marketing, and solicitations; and

(C) the automotive-related surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that such material not be directed at them; any use in response to requests for individual motor vehicle records when the bureau has obtained the written consent of the person to whom such personal information pertains.

(12) For bulk distribution for surveys, marketing, or solicitations when the bureau has obtained the written consent of the person to whom such personal information pertains.

(13) For use by any person, when the person demonstrates, in a form and manner prescribed by the bureau, that written consent has been obtained from the individual who is the subject of the information.

(14) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

SECTION 3. IC 9-14-3.5-11, AS AMENDED BY P.L.222-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) Personal information that is contained in an individual record may be disclosed to a person, without regard to intended use, if the bureau has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's licenses, registrations, titles, or identification documents:

(1) notice that personal information collected by the bureau may be disclosed to any person making a request for an individual record; and

(2) an opportunity for each person who is the subject of a record to prohibit the disclosure;

(b) The bureau shall disclose the name and address of a purchaser of a special group recognition license plate issued under IC 9-18-25-2(3) supporting a state educational institution (as defined in IC 20-12-0.5-1) to a representative designated and authorized to receive the personal information by the state educational institution, if the purchaser purchased the plate bureau obtained the written consent of the purchaser regarding the disclosure and the plate was purchased in a year:



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- (1) beginning after December 31, 1998; and
- (2) in which at least ten thousand (10,000) of the special group's recognition license plates issued under IC 9-18-25-2(3) are sold or renewed.

SECTION 4. IC 9-14-3.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. (a) An authorized recipient of personal information, except a recipient under section 10(11) or ~~11~~ **10(12)** of this chapter, may resell or re-disclose the information for any use allowed under section 10 of this chapter, except for a use under section 10(11) **or 10(12)** of this chapter.

(b) An authorized recipient of a record under section ~~11~~ **10(11)** of this chapter may resell or re-disclose personal information for any purpose.

(c) An authorized recipient of personal information under IC 9-14-3-6 and section ~~10(11)~~ **10(12)** of this chapter may resell or re-disclose the personal information for use only in accordance with section ~~10(11)~~ **10(12)** of this chapter.

(d) Except for a recipient under section ~~11~~ **10(11)** of this chapter, a recipient who resells or re-discloses personal information is required to maintain and make available for inspection to the bureau, upon request, for at least five (5) years, records concerning:

- (1) each person that receives the information; and
- (2) the permitted use for which the information was obtained.

SECTION 5. IC 9-24-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 19. Penalty Provisions for Operating a Motor Vehicle With Suspended or Revoked Driving Privileges, Licenses, or Permits

Sec. 1. Except as provided in sections 2, 3, and 5 of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction.

Sec. 2. A person who knowingly or intentionally operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked, when less than ten (10) years have elapsed between:

- (1) the date a judgment was entered against the person for a prior unrelated violation of section 1 of this chapter, this section, IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(a) (repealed July 1, 2000); and
- (2) the date the violation described in subdivision (1) was



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committed;
 commits a Class A misdemeanor.

Sec. 3. A person who knowingly or intentionally operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked, when the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19) commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, and except as provided in section 4 of this chapter, a person who violates this section shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, and except as provided in section 4 of this chapter, the court may not suspend any part of the term of imprisonment except that part in excess of sixty (60) days.

Sec. 4. The nonsuspendible fixed term of imprisonment imposed under section 3 of this chapter does not apply to a person who has committed a Class A misdemeanor under section 2 of this chapter as a result of a violation of IC 9-25-6-19 or IC 12-17-2-35.

Sec. 5. A person who knowingly or intentionally operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked as a result of a misdemeanor or felony conviction commits a Class D felony. However, the offense is a Class C felony if the operation results in the death of another person.

Sec. 6. (a) In addition to any other penalty imposed for a conviction under this chapter, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(b) The court shall specify:

- (1) the length of the fixed period of suspension; and
- (2) the date the fixed period of suspension begins;

whenever the court makes a recommendation under subsection (a).

Sec. 7. The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a vehicle while the person's driving privilege, permit, or license was suspended, extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction, as provided in section 6 of this chapter.

Sec. 8. In a prosecution under this chapter, the burden is on the defendant to prove by a preponderance of the evidence that the defendant had been issued a driving license or permit that was



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valid at the time of the alleged offense.

SECTION 6. IC 9-30-10-4, AS AMENDED BY P.L.1-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
- (3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.
- (4) Operation of a vehicle while intoxicated resulting in death.
- (5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.
- (6) After June 30, 1997, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath;
 resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

- (1) Operation of a vehicle while intoxicated.
- (2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.
- (3) After June 30, 1997, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
 - (A) one hundred (100) milliliters of the blood; or
 - (B) two hundred ten (210) liters of the breath.
- (4) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), or IC 9-24-18-5(b) (repealed July 1, 2000), IC9-24-19-3,



or IC 9-24-19-5.

(5) Operating a motor vehicle without ever having obtained a license to do so.

(6) Reckless driving.

(7) Criminal recklessness involving the operation of a motor vehicle.

(8) Drag racing or engaging in a speed contest in violation of law.

(9) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.

(10) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

SECTION 7. IC 14-15-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), **or IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19** and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and



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(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19); the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license."

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"(c) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (b), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

(1) Remove any record of the suspension from the bureau's recordkeeping system.

(2) Reinstate the privileges without cost to the person.

(d) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(e) If a proceeding described in this section is terminated in



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favor of the child and the child did not refuse to submit to a chemical test offered as provided under IC 9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult, the bureau shall remove any record of the suspension, including the reasons for the suspension, from the child's official driving record.

(f) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section."

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"(d) If a juvenile court orders the bureau of motor vehicles to reinstate a child's driving privileges under subsection (c), the bureau shall comply with the order. Unless the order for reinstatement is issued as provided under IC 9-30-6-11(a)(2) because of a violation of the speedy trial provisions applicable to the juvenile court, the bureau shall also do the following:

- (1) Remove any record of the suspension from the bureau's recordkeeping system.
- (2) Reinstate the privileges without cost to the person.

(e) If:

- (1) a juvenile court recommends suspension of a child's driving privileges under this section; and
- (2) the child did not refuse to submit to a chemical test offered as provided under IC9-30-6-2 during the investigation of the delinquent act that would be an offense under IC 9-30-5 if committed by an adult;

the juvenile court may stay the execution of the suspension of the child's driving privileges and grant the child probationary driving privileges for one hundred eighty (180) days.

(f) If a juvenile court orders a suspension under this section and the child did not refuse to submit to a chemical test offered under IC 9-30-6-2 during the investigation of the delinquent act that would have been an offense under IC 9-30-5 if committed by an adult, the juvenile court may grant the child probationary driving privileges for one hundred eighty (180) days in conformity with the procedures in IC 9-30-5-12. The standards and procedures in IC 9-30-5-11 and IC 9-30-5-13 apply to an action under this subsection.

(g) A child whose driving privileges are suspended under this section is entitled to credit for any days during which the license was suspended under IC 31-37-5-7, if the child did not refuse to submit to a chemical test offered as provided under IC9-30-6-2 during the investigation of the delinquent act that would be an



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offense under IC 9-30-5 if committed by an adult.

(h) A period of suspension of driving privileges imposed under this section must be consecutive to any period of suspension imposed under IC 31-37-5-7. However, if the juvenile court finds in the sentencing order that it is in the best interest of society, the juvenile court may terminate all or any part of the remaining suspension under IC 31-37-5-7.

(i) The bureau of motor vehicles may adopt rules under IC 4-22-2 to carry out this section."

Page 2, line 17, after "in" insert "IC 31-37-5-7 or".

Page 2, after line 24, begin a new line blocked left and insert:

"If a juvenile court recommends suspension of driving privileges under section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), and IC 9-30-6-12(d) apply to the child's driving privileges.

SECTION 11. IC 9-24-18-5 IS REPEALED [EFFECTIVE JULY 1, 2000]."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1051 as introduced.)

DVORAK, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1051 be amended to read as follows:

Page 4, between lines 38 and 39, begin a new paragraph and insert:
 “SECTION 5. IC 9-24-11-3, AS AMENDED BY P.L.225-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3-1, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers, **unless the passenger is the individual's sibling over the age of fifteen (15)**, unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

(1) is valid for not more than four (4) years from the date the license is issued; and

(2) may not be renewed."

Re-number all SECTIONS consecutively.

(Reference is to HB1051 as printed January 25, 2000.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1051 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-14-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. As used in this chapter, "motor vehicle record" means a record that pertains to:

- (1) ~~an operator's~~ **a driver's** license;
- (2) a permit;
- (3) a motor vehicle registration;
- (4) a motor vehicle title; or
- (5) an identification document issued by the bureau.

SECTION 2. IC 9-14-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. As used in this chapter, "personal information" means information that identifies a person, including an individual's:

- (1) photograph or computerized image;
- (2) Social Security number;
- (3) driver's license **or** identification **document** number;
- (4) name;
- (5) address (but not the 5-digit zip code);
- (6) telephone number; or
- (7) medical or disability information.

The term does not include information about vehicular accidents, driving or equipment related violations, and operator's license or registration status.

SECTION 3. IC 9-14-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. Except as provided in sections 8, ~~through 10, and~~ 11 of this chapter;

- (1) ~~an officer or employee of~~ the bureau;
- (2) ~~an officer or employee of the bureau of motor vehicles commission;~~ or
- (3) an officer, an employee, or a contractor of the bureau **or the bureau of motor vehicles commission;**

may not knowingly disclose personal information about a person obtained by the bureau in connection with a motor vehicle record."

Page 1, delete lines 1 through 16.

Page 3, between lines 37 and 38, begin a new line blocked left and insert:

"However, this section shall not affect the use of anatomical gift information on a person's driver's license or identification

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document issued by the bureau, nor affect the administration of anatomical gift initiatives in the state".

Page 4, line 23, after "10(11)" insert ", 10(12),".

Page 4, line 23, reset in roman "11".

Page 4, line 23, after "11" delete "10(12)".

Page 11, line 26 delete "IC 9-24-18-5 IS" and insert "THE FOLLOWING ARE".

Page 11, line 27, delete "." and insert ": IC 9-14-3.5-9; IC 9-24-18-5".

Renumber all SECTIONS consecutively.

(Reference is to HB 1051 as printed January 25, 2000.)

THOMPSON

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